

United States  
Circuit Court of Appeals  
For the Ninth Circuit.

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BUN CHEW,

Appellant,

vs.

CHARLES T. CONNELL, as Immigration In-  
specter in Charge,

Appellee.

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Transcript of Record.

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Upon Appeal from the United States District Court for  
the Southern District of California,  
Southern Division.

Filed

DEC 20 1915

F. D. Monckton,  
Clerk.



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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur. Title heads inserted by the Clerk are enclosed within brackets.]

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## **Names and Addresses of Attorneys.**

For Appellant:

FRANK STEWART, Esq., 709-10 International Bank Building, Temple and Spring Streets, Los Angeles, California.

For Respondents:

ALBERT SCHOONOVER, Esq., U. S. Attorney, Los Angeles, California; and

CLYDE R. MOODY, Esq., Assistant U. S. Attorney, Los Angeles, California. [4\*]

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*In the District Court of the United States, in and for the Southern District of California, Southern Division.*

**ORIGINAL.**

In the Matter of Application for a Writ of Habeas Corpus in Behalf of BUN CHEW.

### **Citation on Appeal.**

United States of America,—ss.

The President of the United States to Hon. CHAS. T. CONNELL, as Immigration Inspector in Charge, and His Attorney, Albert Schoonover, United States Attorney in and for the Southern District of California, Greeting:

You are hereby cited and admonished to be and appear before the United States Circuit Court of Appeals in the Ninth Circuit, to be holden at the City of San Francisco, in the State of California, within thirty days from the date hereof, pursuant to an

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\*Page-number appearing at foot of page of original certified Record.

order allowing an appeal, of record in the clerk's office of the United States District Court, Southern Division, and District of California, wherein Bun Chew is an appellant and you are appellee, to show cause, if any there be, why the decree rendered against said appellant, as in said order allowing an appeal mentioned, should not be corrected and why speedy justice should not be done to the parties in that behalf.

WITNESS, the Hon. ———, United States Circuit Judge for the Ninth Circuit, United States of America.

BLEDSON, J.,

United States District Judge. [5]

Service of the within citation and copy thereof received this 21st day of July, 1915.

ALBERT SCHOONOVER,

U. S. Attorney.

By CLYDE R. MOODY,

Asst. United States District Attorney. [6]

[Endorsed]: No. 962—Crim. In the U. S. District Court, Southern District of California, Southern Division. In the Matter of Application for a Writ of Habeas Corpus in Behalf of Bun Chew. Citation on Appeal. Filed Jul. 21, 1915, at — Min. Past — o'clock —M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. [7]



*In the District Court of the United States, in and  
for the Southern District of California, South-  
ern Division.*

No. 692—CRIM.

In the Matter of the Application of BUN CHEW  
for a Writ of Habeas Corpus. [8]

*In the District Court of the United States, in and  
for the Southern District of California, South-  
ern Division.*

In the Matter of the Application for a Writ of  
Habeas Corpus in Behalf of BUN CHEW.

**Affidavit and Petition.**

To the Honorable BENJAMIN F. BLEDSOE,  
Judge of Said Court:

Your petitioner, Bun Chew, being duly sworn, on  
oath deposes and says:

That he is unlawfully imprisoned and restrained  
of his liberty by Chas. T. Connell, Inspector in  
Charge, U. S. Immigration Service at the City of  
Los Angeles, in said District and Division, under  
and by virtue of a warrant of deportation heretofore  
issued by the Secretary of Labor of the United  
States, a copy of which said warrant is attached  
hereto, hereby referred to, made a part hereof and  
marked exhibit "A."

That said imprisonment and restraining of his lib-  
erty of said petitioner, Bun Chew, is unlawful in  
this:

1. That the said Secretary of Labor of the United States had no jurisdiction over the person of your petitioner and no jurisdiction or authority to issue said warrant.

2. That said Secretary of Labor exceeded his jurisdiction and authority and all jurisdiction and authority conferred upon him by law in and by issuing said warrant of deportation.

3. That your petitioner was not given a fair and impartial trial and hearing by the Immigration officers of the United *trial and hearing by the Immigration officers of the United* States precedent to the issuing of said warrant of [9] deportation and upon which said warrant is purported to be based; all of which will more fully appear by the record of the testimony and proceedings given and adduced at said hearing, attached to the petition for a writ of habeas corpus in the case entitled "In the Matter of the Application of Bun Chew for a Writ of Habeas Corpus," No. 853—Crim. of this Court, and marked exhibit "B," which said exhibit "B" in said case is hereby referred to and made a part hereof. And in addition to said exhibit "B," exhibits "C" and "D" attached hereto, which are and constitute copies of statements filed in said hearing and proceedings, subsequent to the hearing and judgment in said case No. 853—Crim. of this Court.

That said Secretary of Labor did not have jurisdiction of the person of your petitioner or of this case in this: That there was no evidence that your petitioner entered the United States within three years next preceding the date of his arrest on May

22d, 1914, and that your petitioner is, and at all times herein mentioned and referred to, was a Chinese laborer, lawfully domiciled and residing in the United States, he having registered as such Chinese laborer at Hanford, California, on February 17th, 1894, and at all times thereafter being the legal owner and actual holder of Chinese Laborer's Certificate of Residence No. 39,167; said date of his arrest he had said Certificate of Residence in his possession in the City of Los Angeles, California, when same was taken from him by the United States Immigration officials, and that said certificate is now wrongfully *withheld* from your petitioner by said officials.

That said Secretary of Labor had no jurisdiction to issue said warrant (Exhibit "A") directing that your petitioner be deported to China as there is no evidence that your petitioner came from China on the occasion of his last entry into the United States.

[10]

That said Secretary of Labor exceeded the jurisdiction and authority conferred upon him by law in this:

That said Secretary of Labor had not, at any time, any jurisdiction or authority to issue said warrant for the deportation of your petitioner, he being at the time of said issuance of said warrant of deportation, and at all other times herein mentioned and referred to, a Chinese laborer, regularly and lawfully holding a Chinese Laborer's Certificate of Residence, and lawfully being and residing in the United States by virtue of said Certificate of Residence.



That said trial and hearing, and proceedings for the deportation of your petitioner were unfair in this:

That the testimony and evidence adduced at said hearing which is contained in said exhibit "B" was and is insufficient and inadequate to permit or justify said Secretary of Labor in issuing said warrant of deportation, or justify the deportation of your petitioner; and that the conclusions of law on the part of said Secretary of Labor and other Immigration officials from the facts adduced at said hearing are erroneous and not sustained by said testimony and evidence in this: That said testimony and evidence shows that your petitioner is, and at all times mentioned herein, was a Chinese laborer lawfully domiciled and residing in the United States, holding and owning a genuine Chinese Laborer's Certificate of Residence and did not enter the United States on or about January 1st, 1912, without inspection or otherwise, and is not subject to deportation; whereas, said Secretary of Labor and other Immigration officials of the United States conclude erroneously from said facts, testimony and evidence, that your petitioner entered the United States from Mexico about January 1st, 1912, without inspection, and that your petitioner is, as a matter of law, subject to deportation from the United States. [11]

That said hearing was also unfair in this: That testimony was received against your petitioner in the nature of unsworn statements by persons in Mexico, whom your petitioner had no opportunity to

meet, see or cross-examine, and there was no evidence adduced showing that your petitioner is the identical person referred to in said unverified statements. Said statements purport to have been made by Lelisario Garcia and Guillermo Breton, and they appear on pages 24 and 25 of said exhibit "B."

Your petitioner further states that said warrant of deportation, exhibit "A" attached hereto, is void in law and absolutely invalid in that it directs the deportation of your petitioner to China, contrary to the law and the evidence affecting this matter; and for the further reason that it does not appear therein and cannot be ascertained therefrom, on what grounds or for what reason your petitioner is alleged to be unlawfully in the United States.

That your petitioner is lawfully within the United States, and is the owner of and entitled to the possession of said Certificate of Residence.

WHEREFORE, your petitioner prays that a writ of habeas corpus be issued, directed to said Chas. T. Connell, Inspector in Charge, U. S. Immigration Service, Los Angeles, California, in order that the cause of detention of said petitioner may be inquired into, and for such further order of court as may be found proper.

FRANK STEWART,  
Attorney for Petitioner.

State of California,  
County of Los Angeles,  
Southern District of California,  
Southern Division,—ss.

Bun Chew, being first duly sworn, deposes and says: [12]



That he is the petitioner named in the foregoing petition; that he has read the said petition and knows the contents thereof, and that the same is true of his own knowledge and belief, except as to the matters which are therein stated on his information and belief, and as to those matters, he believes it to be true.

BUN CHEW.

Subscribed and sworn to before me, this 13th day of April, 1915.

[Seal]

RICHARD A. TURNER,  
Notary Public in and for the County of Los Angeles,  
State of California. [13]

**Exhibit "A" [Warrant—Deportation of Alien].**

UNITED STATES OF AMERICA.

U. S. DEPARTMENT OF LABOR,  
Washington.

El Paso No. 5025/549.

Inc. 9644.

No. 53780/74.

To SAMUEL W. BACKUS, Commissioner of Immigration, Angel Island Station, San Francisco, California:

WHEREAS, from proofs submitted to me, after due hearing before Immigration Inspector W. A. Brazie, held at Los Angeles, Cal., I have become satisfied that the alien

BUN CHEW,

who landed near the port of Douglas, Arizona, on or about the 1st day of April, 1912, is subject to be returned to the country whence he came under section 21 of the Immigration Act approved February

20, 1907, being subject to deportation under the provisions of a law of the United States, to wit, the Chinese exclusion laws, in that:

He entered the United States in violation of section 7, Chinese exclusion act of September 13, 1888, and rule 1, Chinese rules.

And WHEREAS, from proofs submitted to me, after due hearing before Immigrant Inspector W. A. Brazie, held at Los Angeles, Cal.,

I have become satisfied that the said alien has been found in the United States in violation of the act of Congress approved February 20, 1907, amended by the act approved March 26, 1910, in that: [14]

He entered in violation of Section 36 of said act (rule 13),

I, W. B. WILSON, Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to China, the country whence he came, at the expense of the appropriation "Expenses of Regulating Immigration, 1915." You are directed to purchase steerage transportation for the alien from San Francisco, Cal., to his home in China, via sailing of the Pacific Mail Steamship Company, payable from the above-named appropriation.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 26th day of March, 1915.

[Seal]  
EFH.

W. B. WILSON,  
Secretary of Labor. [15]

**Exhibit "C" [Certificate of Inspector Heath].****U. S. DEPARTMENT OF LABOR.**

Immigration Service.

Office of Inspector in Charge,

Douglas, Arizona.

I, FRANK W. HEATH, Inspector in Charge of the United States Immigration Service, at Douglas, Arizona, do hereby certify that I am the same Frank W. Heath before whom Guillermo Breton made a statement concerning one Bun Chew, on the 30th day of March, 1914; that said statement was typewritten from a verbal statement made by the said Guillermo Breton; that after said statement was typewritten the same was read back to the said Guillermo Breton; that thereafter the said Guillermo Breton signed the same; that at the time said statement was made I presented a photograph of the said Bun Chew to the said Guillermo Breton, a true and correct copy of said photograph so presented by me to the said Guillermo Breton being hereto attached, said photograph being marked "Bun Chew."

Given under my hand this 14th day of January, 1915.

FRANK W. HEATH,

Inspector in Charge.

[Photograph attached.] [16]



**Exhibit "D" [Certificate of Inspector Heath].**

U. S. DEPARTMENT OF LABOR,

Immigration Service.

Office of Inspector in Charge,

Douglas, Arizona.

I, FRANK W. HEATH, Inspector in Charge of the United States Immigration Service, at Douglas, Arizona, do hereby certify that I am the same Frank W. Heath, before whom Belisario Garcia made a statement concerning one Bun Chew, on the 28th day of March, 1914; that said statement was typewritten in English from a verbal statement in Spanish made by the said Belisario Garcia, which statement was interpreted from Spanish into English *from* Frank L. Dayton; that said Frank L. Dayton after said statement was typewritten in English, read the same back to the said Belisario Garcia, and interpreted the same to him in Spanish; that thereafter the said Belisario Garcia signed the same; that at the time said statement was made I presented a photograph of the said Bun Chew to the said Belisario, a true and correct copy of said photograph so presented by me to the said Belisario Garcia being hereto attached, said photograph being marked "Bun Chew."

Given under my hand this 14th day of January, 1915.

FRANK W. HEATH,

Inspector in Charge.

[Photograph attached].

[Endorsed]: No. 962—Crim. In the District Court of the United States in and for the Southern

District of California, Southern Division. In the Matter of the Application for a Writ of Habeas Corpus in Behalf of Bun Chew. Affidavit and Petition. Received Copy of the Within Affidavit and Petition this 13 day of April, 1915. Clyde R. Moody, Asst. U. S. Attorney, Attorney for ——. Filed Apr. 13, 1915, at 4 min. past 10 o'clock, A. M. Wm. M. Van Dyke, Clerk Murray C. White, Deputy. Frank Stewart, 709-10 International Bank Bldg., Temple and Spring Streets, Los Angeles, Cal. Office Phones: F-2222, Main 7777, Attorney for Petitioner. Let a Writ Issue, Returnable forthwith, before me. Bledsoe, Judge. April 13, 1915. [17]

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*In the District Court of the United States, in and for the Southern District of California, Southern Division.*

No. 962—CRIMINAL.

In the Matter of the Application of BUN CHEW for a Writ of Habeas Corpus.

**Stipulation and Order [as to Exhibit "B"].**

Upon the stipulation set forth below and good cause appearing therefor:

It is hereby ORDERED that in the above-entitled case, the matter and contents of exhibit "B," attached to the affidavit and petition in Case No. 853—Criminal, of this court, may be deemed to be evidence and a part of the record in this case and that the same may be incorporated as such in any transcript on appeal in this case.

BLEDSON, JU.,  
Judge.



It is hereby stipulated that the above order may be made.

CLYDE R. MOODY,  
Assistant U. S. Attorney.  
FRANK STEWART,  
Attorney for Petitioner.

[Endorsed]: No. 962—Criminal. In the District Court of the United States, in and for the Southern District of California, Southern Division. In the Matter of the Application of Bun Chew for Writ of Habeas Corpus. Stipulation and Order. Filed Jul. 21, 1915. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. Frank Stewart, 709-10 International Bank Bldg., [18] Temple and Spring Streets, Los Angeles, Cal., Office Phones: F-2222; Main 7777, Attorneys for Petitioner. [19]

**Exhibit "B"—Warrant Hearing.**

Spl. 432 Sheet 1

**WARRANT HEARING.**

**DEPARTMENT OF COMMERCE AND LABOR.**

Immigration Service, Mexican Border District,  
File No. 5528/450

May 22, 1914,

Time: 2:30 P. M.

In the Matter of Bun Chew, arrested pursuant to Department Telegraphic Warrant, dated May 22, 1914.

No. charged with: Entering the United States without inspection, in violation of Section 36 of the Immigration Act.

Hearing had before Immigrant Inspector W. A. Brazie, in the office of Insp. in Charge at Los An-

geles, California, on this 22d day of May.

Present: W. A. BRAZIE, Examining Officer.

CHARLEY LEVY, Interpreter.

W. A. BRAZIE, Stenographer.

Warrant presented, read and explained to the alien, who is advised of the nature of the proceedings and that he may be released from custody during the pendency of the case upon furnishing a satisfactory bond in the sum of twenty-five hundred dollars (\$2,500.00).

Alien in good health.

**[Testimony of Bun Chew at Warrant Hearing.]**

Alien, being first duly sworn, testified as follows:

My name is Bun Chew; I am 51 years of age; a subject of China, and of the Chinese race; embarked for the United States from Hong Kong, China, and landed at the port of San Francisco, California, on or about 15 years ago; my destination at that time being San Francisco, Calif. The names and addresses of the members of my family in the United States and abroad are as follows: [20]

Wife, Chun Shee, residing in Ping Joe village, Nom Hoy district China.

Brother, Hom Sick Chew, residing at Visalia, California.

**EXHIBIT "B."**

Q. Are you positive you came to the United States 15 years ago?

A. No; 15 years ago was my return trip, but I came to the United States the first time when I was very young. I left this country on my visit to China about 16 years ago; don't remember the name

of the steamship; under name of Bun Chew, laborer, of Hanford, California; stayed in China about ten months; and returned to the United States about fifteen years ago; don't remember name of steamship; made the trip through San Francisco, California.

Q. Is that the only trip you have made to China?

A. Yes, that is all.

Q. What other trips have you made out of the United States?      A. No others.

Q. What is your occupation?

A. Work on a ranch. Always been a laborer since I have been in this country.

Q. Have you a certificate of residence entitling you to be and remain in the United States?

A. You have it. (Refers to certificate of residence No. 39,167, attached to record.)

Q. When did you go to Mexico?

A. I was never in such a country.

Q. Did you not work in a restaurant at a place called Agua Prieta, just before you came to the United States the last time? [21]

A. No; I have never been in such a place.

Q. Now, tell me when and where did you enter the United States the last time?

A. I just told you about that; I landed at San Francisco about 15 years ago.

Q. Do you deny that you lived in Mexico and that you came from there to the United States?

A. I was never in Mexico; don't know where it is.

Q. I will now read you a statement made by Belisario Garcia, on March 28, 1914. (Statement read to alien.) What have you to say in regard to that statement?



A. No, sir; I never heard of that man.

Q. Do you remember a statement you made in this office on March 20, 1914?     A. Yes.

Q. In that statement, which I now read to you, you said you were living at Vasalia, California, and that you left there the first month this year.

A. Yes; that is the truth.

Q. In that statement you also stated that you had made your headquarters at the store of Chun John, at Vasalia, California?

A. Yes; I said Chun John lived at the store of Quong Chung, and I made my headquarters at that store.

EXHIBIT "B."

Q. I will now read you a statement made by Chun John, on March 24, 1914. (Statement read to alien.) What have you to say about that statement? [22]

A. He will remember me when he sees me.

Q. I will also read to you a statement made by Dong Bow, on March 24, 1914: Dong Bow's other name is Dong Yuen Chung. (Statement read to alien.) What have you to say about that statement?

A. If he see me he will know me.

Q. He says he knows you but that he has not seen you for several years.

A. If he sees me he will know when he saw me last. He don't remember.

Q. I will read you a statement made by Do Wye, on March 25, 1914. (Statement read to alien.) What have you to say about that statement?

A. He thinks I am in China, but I never had any transactions with him, and he don't know anything about me.

Q. I will also read your statement, made in this office on March 20, 1914. (Statement read to alien.) You are advised that in this statement you show a lack of knowledge of the conditions in the vicinity of Vasalia and Hanford, California, during the past year. The examining inspector was stationed in that vicinity for a number of months recently and is familiar with conditions there, and you are at variance with the actual facts.

A. I was there until first month this year.

Q. After hearing all of these statements read, do you still deny that you were in Mexico about two years ago, and that you came from there within that time?

A. No question about it. I was never in that country.

Q. Did you smuggle into the United States for the purpose of being sent back to China?

A. I never smuggled into the United States; I belong here.

Q. You are now afforded an opportunity to inspect the warrant [23] of arrest and all the evidence upon which same was issued, including all of the statements which have been read to you, and you are advised of your right to be represented by counsel at this hearing. Do you wish to avail yourself of this right?

A. I will have to communicate with my friends and see if they will help me out. I have no money and they will have to help me. Can I have two weeks to write to my friends at Vasalia?

Q. Will it take two weeks to hear from your friends? A. Maybe sooner.



Q. I will continue this case for the period of two weeks if necessary, but with the understanding that if you are ready before the expiration of that time that the case will proceed. Is that satisfactory?

A. Yes.

The further hearing of this case is adjourned and continued until June 5, 1914, at 10:00 o'clock A. M. But if the alien desires to proceed with the hearing at an earlier date it is agreed that the case will proceed at such time.

W. A. BRAZIE,  
Chinese and Immigrant Inspector.

EXHIBIT "B"

OFFICE OF INSPECTOR IN CHARGE.

Los Angeles, California,

June 5, 1914,

10:00 A. M.

Continued hearing in the case of Bun Chew, pursuant to the adjournment had on May 22, 1914.

[24]

PRESENT: W. A. BRAZIE, Examining Inspector and Stenographer.

CHARLEY LEVY, Chinese Interpreter.

FRANK STEWART, Attorney.

(Examining Inspector to Alien.)

Q. Have you secured counsel to represent you at this hearing?

A. Yes; this gentleman, Mr. Stewart.

(Examining Inspector to Attorney Stewart.)

Q. Mr. Stewart, the complete record in this case so far as it has proceeded is handed you for inspec-

tion, and you are advised that you have the right to offer any testimony in rebuttal of that produced by the Government. Are you ready to proceed with the case?

A. No. We have some witnesses at Vasalia, California, and vicinity, which we desire to bring here, and I will ask that the case be continued until June 16, 1914, at 10:00 o'clock A. M.

The further hearing of this case is adjourned and continued until June 16, 1914, at 10:00 A. M.

W. A. BRAZIE,  
Chinese and Immigration Inspector.

OFFICE OF INSPECTOR IN CHARGE.

Los Angeles, California.

June 16, 1914, 10:00 A. M.

Continued hearing in the case of Bun Chew, pursuant to the adjournment had on June 5, 1914.

PRESENT: W. A. BRAZIE, Examining Inspector  
and Stenographer.

CHARLEY LEVY, Chinese Interpreter.

FRANK STEWART, Attorney for  
alien. [25]

EXHIBIT "B."

(Examining Inspector to Attorney STEWART.)

Q. Are you ready to proceed with the case?

A. Yes. Our first witness is Mr. Gilliam.

[Testimony of E. A. Gilliam, at Warrant Hearing.]

E. A. GILLIAM, being first duly sworn, testified as follows:

(By Attorney STEWART.)

Q. State your name, please.

A. E. A. Gilliam.

Q. Where do you live?

A. Visalia, California. Tulare County.

Q. How long have you lived there?

A. I was born in that county, and have lived in Vasalia most of the time.

Q. What is your age? A. 51 years old.

Q. What is your occupation?

A. Well, I am constable of Vsasalia township, and am a deputy sheriff and ranch a little.

Q. Which one of these occupations takes most of your time?

A. Most of my time is devoted to my official duties.

Q. How long have you held public office in that county?

A. I was city marshal of Vasalia, I think, three different terms in the early nineties. I am finishing my third term as constable of Vsasalia township. It will be twelve years the first of January.

Q. You were elected for four years? A. Yes.

Q. For the past twelve years you have been constable continuously? A. Yes, sir.

Q. How long deputy sheriff? [26]

A. Most of the time since the present sheriff has been in—nearly twelve years.

Q. And you hold your position now as deputy sheriff? A. Yes, sir.

Q. Were you night watchman in Vasalia?

A. I was; not at the present time. I was for about the neighborhood of four or five years, in the vicinity of Chinatown in Visalia.

Q. In what way did you become acquainted with the faces of Chinese in that city? A. Yes.



Q. I call your attention now to Bun Chew, the alien, and ask you if you know him?      A. I do.

Q. Where have you seen him, Mr. Gilliam?

EXHIBIT "B"

A. Well, I am not sure that I have ever seen him anywhere except in Chinatown, Visalia.

Q. Are you sure that you have *sen* him in Chinatown, Vasalia?      A. I am.

Q. What other places have you the impression that you have seen him?

A. I think I have seen him in a Chinese garden at one time near Farmersville, but I am not positive.

Q. Are you positive that you have seen him in Vasalia?      A. Yes, sir.

Q. Would you see him many times or a few times?

A. Good many times, but I could not say how often, however.

Q. How long have you known him, Mr. Gilliam, by sight?

A. Well, his face has been familiar to me and most of the Chinese of the town for, I should say three or four years now, possibly longer. [27]

Q. Did your official duties take you into Chinatown five years ago?      A. Yes, sir.

Q. And what is your best recollection as to whether you saw him about that time—about five years ago?

A. I could not be positive as to the time I first saw him, but he has been there quite often.

Q. Are you positive that you have seen him each year as long back as five years ago now?

A. Quite positive, yes, sir. I think I have seen him there frequently during the last four years.

Q. You have never seen him except in Tulare County and the vicinity of Vasalia?

A. Not that I remember of.

Q. You have assisted the immigration officers at various times in arresting Chinese suspected of being unlawfully in the country? A. Yes, sir.

Q. You always rendered the assistance when they asked for it? A. Yes, sir.

Q. And have gone into Chinatown with the immigration officers on their official visits?

A. Yes, sir.

Q. Have you any interest in this case?

A. None whatever.

Q. You have no particular friendship with this alien? A. No, sir.

Q. He has never done you any favor?

A. No, sir.

Q. Employed you in any way or paid you anything? A. No, sir.

Q. Mr. Gilliam, did you miss Bun Chew from Vasalia any time [28] during the past year?

A. I don't remember seeing him lately until just a few days ago.

Q. How long had it been since you saw him at Vasalia?

A. I could not say. I have not been in that end of the city as much for the last six or seven months as I had been prior to that for a good many years. I don't remember seeing him lately, not since China New Year, I think. I would not be positive I saw him then.



## EXHIBIT "B."

but I think I did; I think he was there. I would not be positive when I did see him last, but think it was then.

Q. Would you say positively that you have seen him during the past year?

A. Yes; I am pretty sure I have seen him in the last 12 months.

Q. Do you know the Quong Chung store in Vasalia? A. Yes, sir, very well.

Q. And Chun John, the manager? A. Yes, sir.

Q. Do you know whether Chun John has any interest in the fruit business?

A. Yes, he owns, I think 20 acres, or he represents a company that owns that much, and it is planted to apricots, prunes and peaches and they are now busy gathering their crop. Chun John has charge of this part of the business and is prettty busy now.

Q. Is the Quong *Chung* located in Chinatown in Vasalia? A. Yes, sir; opposite the joss- house.

Q. Have you ever seen Bun Chew in the vicinity of that store?

A. I think I have seen him near the joss-house. It is a kind of hang-out for loafers.

Q. That is all. [29]

[Stipulation as to E. A. Gilliam.]

It is stipulated that E. A. Gilliam is an old and reputable citizen of Vasalia, and that he is a *craeful* and conscientious officer.

**[Testimony of Sick Chew, at Warrant Hearing.]**

SICK CHEW, being first duly sworn, testified as follows:

(By attorney STEWART.)

Q. What is your name?      A. Sick Chew.

Q. Where do you live?      A. Vasalia, California.

Q. How old are you?      A. 54.

Q. What is your occupation?      A. Laundryman.

Q. Have you ever worked on gardens?      A. Yes.

Q. In the vicinity of Vasalia?      A. Yes.

Q. Where did you register?      A. San Francisco.

Q. When did you go to Vasalia; how many years ago?      A. In the year 1910.

Q. Where did you live before that?

A. Bakersfield, California.

Q. How long did you live at Bakersfield?

A. For three or four years.

Q. Were you ever at Nanford, California?

A. Yes, sir.

Q. How long were you at Hanford,—near Hanford?      A. About two years. [30]

EXHIBIT "B."

Q. Do you know the alien, Bun Chew?

A. Yes, sir.

Q. How long have you known him?

A. He is my brother. I have known him ever since he was born.

Q. Do you know where your brother registered—Bun Chew?      A. Hanford, California.

Q. How far is Hanford from Vasalia?

A. About 20 miles.

Q. Do you know whether your brother, Bun Chew, was ever around Vasalia?      A. Yes, sir.

Q. How long has Bun Chew, to your knowledge, been around in the vicinity of Vasalia?

A. Between Hanford and Vasalia about 7 or 8 years.

Q. Do you know what his occupation has been during that time?

A. He worked on a farm, and he worked at different places.

Q. Did you ever see him on these farms?

A. Yes, sir.

Q. Did he ever go to visit you where you were?

A. Yes, sir.

Q. How often have you seen him during the last five years on an average?

A. Once or twice a year.

Q. Has there been any time during the last five years that you have not seen Bun Chew for more than a year?

A. Well, I saw him each time I visited Vasalia.

Q. Has as much as a year gone by that you did not see him in the last five years?

A. I saw him every year in the city. He did not do much work. He is lazy. He didn't work much.

Q. Are you positive that he has been in Tulare County all the time during the past year, up to, about up to the early part in this year sometime?

A. Yes, sir.

Q. Do you know whether Bun Chew left Vasalia sometime early this year, a few months ago?

A. Yes, I know that much.



Q. Did you have anything to do with his going away?

A. Well, I sent him away to Phoenix.

Q. You sent him away?

A. Well, I paid his fare. [31]

Q. Didn't he have any money?

A. I paid his way. No, he didn't have any money. I paid his way.

Q. Why did you want to send him to Phoenix?

A. Well, I hoped he would repent himself, and he owes me several hundred dollars, so I wanted to send him away that he might repent himself and pay me the money back.

Q. He was not doing much around where you were living, is that right?

A. He didn't do much work, so I hoped he would set out in the country town and make money and pay me back.

Q. He was borrowing money and living off of you considerable was he?

EXHIBIT "B."

A. Yes, sir.

Q. And you had to pay his way to Phoenix?

A. Yes, sir; I paid his way and gave him \$10 to keep in his possession.

Q. Who bought the railroad ticket? A. I did.

Q. When was that?

A. Little—latter part of the first month, Chinese old calender this year.

Q. That would be February of this year, American calander? A. Yes.

Q. Do you know the exact date?



A. No; I don't know the exact date.

Q. Then you know of your own knowledge, do you, that Bun Chew has been in California during all the past five years up until February, 1914?

A. Yes, sir.

Q. Do you know the Quong Chung store, in Vasalia?      A. Yes, sir.

Q. Did you ever see Bun Chew around the Quong Chung store?      [32]

A. Yes; sometime I saw him there.

Q. Do you know the manager, Chun John?

A. Yes, sir.

Q. Do you know why he declined to recognize the photograph of Bun Chew sometime ago?

A. Yes; I know that.

Q. Then why did he not recognize that photograph?

A. Because he knew I sent Bun Chew to Phoenix, Arizona, and the case was sent from Los Angeles, and he thought that Bun Chew might have murdered somebody or something else happened, and for that reason he said he didn't recognize the photograph.

Q. Has he told you since that time that he did know Bun Chew, and that he did not want to get mixed up in it and therefore didn't want to recognize the photograph?

A. Yes, he told me about that.

Q. That is all.

#### Cross-Examination

(By Examining Inspector.)

Q. When did you see Bun Chew in Vasalia or that vicinity last?

A. The latter part of first month present year.

Q. Where did you see him then?

A. At Vasalia.

Q. You state you bought his railroad ticket from Vasalia, California, to Phoenix, Arizona?

A. Yes, sir.

Q. What did you pay for that ticket?

A. \$21.65.

Q. What railroad did you buy that ticket from?

A. Old railroad. Southern Pacific. [33]

NOTE: The railroad fare from Visalia, California, to Phoenix, Arizona, via Southern Pacific Railroad, is \$22.55, and not \$21.65, as testified to by this witness.

[Testimony of Bun Chew, at Warrant Hearing.]

BUN CHEW, the alien, being first duly sworn, testified as follows:

(By Attorney STEWART.)

Q. Up to February or about February of this year in what city have you lived for the past five years?

A. California.

Q. Have you been out of California until prior to the year 1914, for the past five years? A. No.

Q. Do you know Mr. Gilliam, the witness who has testified in this case?

A. Yes, sir. I saw him quite often when I visited Chinatown in Visalia.

Q. How many years has it been since you first saw Mr. Gilliam? A. More than four years?

Q. How much more than four years?

A. Between four and five years. I don't remem-

ber exactly. He is constable at Visalia.

Q. Do you know where the joss-house is in Visalia?

A. Upper story of the Lee Hing store.

Q. Did you spend very much time around in front of the joss-house?

A. Yes, sir; I spent lots of time there. I make my headquarters there.

Q. Is that across the street from the Quong Chung store? A. Yes, about opposite.

Q. Do you know why Chun John, the manager of the Quong Chung store, failed to identify your photograph when the inspector [34] took it there some time ago?

A. Yes; I know that. Because I received a letter from him. The letter said, "I understand you went to Phoenix, and officers had your photograph and come here to investigate it, and I was surprised to see the photograph, and did not know if this was your photograph or some one else, so I failed to tell anything to the inspector."

Q. He didn't want to get mixed up in it at all, is that it?

A. Yes; he didn't want to interfere, because he knew I went to another part of the country, and he thought maybe I killed somebody or some kind of accident, and for that reason he didn't want to tell anything.

Q. You have been up to Visalia since you got out on bail, have you? A. Yes, a few days ago.

Q. Did you see Chun John? A. Yes, sir.

Q. Did he tell you the inspector had the photograph up there asking whether he could identify it



as your photograph?

A. Yes, we spoke about it.

Q. Do you know one Guillermo Breton, a man who lives in Douglas, Arizona?      A. No.

EXHIBIT "B."

Q. A man who used to be employed and is now employed by a railroad company running into Agua Prieta, Mexico?

A. I don't know anything about him. I never been in that part of the country.

Q. Were you ever employed in or connected with a restaurant at *Augua* Prieta, Mexico?

A. No, sir; I don't know how to work in a kitchen. I never did [35] work in a kitchen there.

Q. Did you ever have any experience or any time wait on a table or cook or do anything around a restaurant?

A. No, sir. I never did such kind of work, except that I was dishwasher for three days at Phoenix, in a Chinese restaurant.

Q. Were you ever in Mexico?

A. No, sir. I don't know whether Mexico is in the north, south, east or west.

Q. Do you know one Belisario Garcia?

A. No, sir.

Q. Do you know a man who resides at Agua Prieta, Mexico, who is Major in the constitutionlists army?

A. No, sir; I don't know anything about him.

Q. Were you ever acquainted with a Chinaman called "El Perico"?

A. No, sir. I never heard anything about this.



Q. Did you ever play poker?

A. Yes, sir. Some time ago.

Q. Where did you play poker?

A. At the Hop Lung garden about two years ago.

Q. Where is that? A. At Visalia.

Q. Did you ever gamble anywhere else. I mean play poker anywhere else? A. No.

Q. Never play poker in a saloon of one Ben Cooper, in Agua Prieta, Mexico?

A. No, sir; I never in that country there.

Q. It is a common thing among Chinese to gamble in some form, isn't it?

A. Just for fun sometimes.

Q. Sometimes when you are not working you have a little game of fan-tan or some Chinese or American game? [36]

A. I don't play fan-tan, but I play dominoes.

Q. Did you ever follow the occupation of gambling for a living?

A. No; I don't know that far myself.

Q. You never made money at gambling, is that it?

A. Sometimes I make a little and sometimes I lose.

Q. Your gambling consisted of playing a game occasionally when you were out of work, and only to pass the time away? A. Yes.

Q. Did you have any money outside of what your brother gave you when you left Visalia for Phoenix?

A. \$4 or \$5.

EXHIBIT "B."

Q. Then you had about \$14 or \$15 after your brother had given you your railroad ticket?

A. Yes, sir.

Q. Had you spent all the money you had and what little you earned at Phoenix, or part of that money before you started back to California?

A. No. I didn't spend anything of that money. I spent what I earned in that Chinese restaurant as dishwasher. I figured to myself that \$15 will pay my way to California or some distance.

Q. Is that the reason you started out to tramp part of the way back to California?

A. Yes, sir. Because I knew I didn't have enough money to pay my way back, and I could not secure work there. Even if I had got work, they only paid me a dollar and some cents a day. I travel on the road and pay a little way. [37]

Cross-examination.

(By EXAMINING INSPECTOR.)

Q. Why did you not bring Chun John here from Visalia to testify for you; you have brought two other witnesses from there?

A. He has a fruit garden there to attend to and he could not get away from it.

(Attorney STEWART to Examining Inspector.)

This is all we have to offer and the case may now be closed. I will file a brief in this case within the next two days, and will ask that I be granted that length of time.

(Examining Inspector to ALIEN.)

Q. Have you anything further to say or to offer to show cause why you should not be deported in conformity with law? A. No.

FINDINGS.

From the foregoing it is found that the alien, Ben

Chew, the person named in the above-mentioned warrant, is alien, native and citizen of China; that he is unlawfully within the United States, in that he entered therein on or about January 1, 1912, without inspection as contemplated by the Immigration Act; and further, that said entry was effected from Mexico at or near Douglas, Arizona, at a point on the land border other than as designated by the Secretary of Labor, in violation of Section 36 of the Immigration Act.

### RECOMMENDATION.

Three years not having elapsed since the entry of the alien herein mentioned, it is respectfully recommended, in accordance with

### EXHIBIT "B"

Sections 20, 21 and 35 of the Immigration Act, that he be [38] deported to the country whence he originally came, to wit, China.

W. A. BRAZIE,

Chinese and Immigrant Inspector.

### Certificate of Stenographer to Transcript of Record of Warrant Hearing.

I hereby certify that the foregoing is a true and correct transcript of the record of hearing in this case.

W. A. BRAZIE,  
Stenographer.

NOTE: The above-named alien has been released from custody during the pendency of this case, under bond in the penalty of \$2,500.00. [39]

Form 565

EXHIBIT "B"



**Application for Warrant of Arrest Under Sections  
20 and 21 of the Act of February 20, 1907.**

U. S. DEPARTMENT OF LABOR,  
Immigration Service.

L. A. File No. 5555/128.

(Place) Los Angeles, California.

May 21st, 1914.

The undersigned respectfully recommends that the Secretary of Labor issue his warrant for the arrest of BEN CHEW, Male, Chinese Alien (Telegraphic warrant applied for this date from Los Angeles, Cal), the alien named in the attached certificate, upon the following facts which the undersigned has carefully investigated, and which, to the best of his knowledge and belief, are true: (1) (Here state fully fact which show alien to be unlawfully in the United States. Give sources of information, and, where possible, secure from informants and forward with this application duly verified affidavits setting forth the facts within the knowledge of the informants.)

That the above-named alien is unlawfully within the United States in that he entered therein on or about April, 1912, without inspection as contemplated by the Immigration Act; and further that said entry was effected from Mexico at or near Douglas, Arizona, at a time and place other than as designated on the land border by the Secretary of Labor, in violation of Section 36 of the Immigration Act. No verification of landing, Form 505, attached. No record extant. See statement of alien, marked exhibit "A." See, also, statements attached hereto,



marked exhibits "B," "C," "D," "E" and "F." Bond recommended \$2,500.00.

(2) The present location and occupation of above-named alien are as follows: In detention, Los Angeles, California. [40] Laborer.

Pursuant to Rule 22 of the Immigration Regulations there is attached hereto and made a part hereof the certificate prescribed in subdivision 2 of said Rule, as to the landing or entry of said alien, duly signed by the immigration officer in charge at the port through which said alien entered the United States.

(Signature) CHAS. T. CONNELL,  
(Official Title) Inspector in Charge.

JAC.

Approved and forwarded:

---

Supervising Inspector.

EXHIBIT "B"

U. S. DEPARTMENT OF LABOR.  
IMMIGRATION SERVICE.

Office of Inspector in Charge.

Los Angeles, Calif.

5555/128.

March 20, 1914.

Time: 2:00 P. M.

In re BUN CHEW, Under Investigation.

CHAS. T. CONNELL, Inspector in Charge.

CHARLES LEVY, Chinese Interpreter.

W. A. BRAZIE, Acting Stenographer.

Inspector in Charge CONNELL to ALIEN:

You are advised that I am a United States Immigration officer, charged with the enforcement of the

Chinese exclusion and the immigration laws, with power to administer an oath. A statement is desired from you touching your last entry into [41] the United States, and any statement you may make may be used for or against you in court; and such statement shall be voluntary upon your part. Do you desire to make a statement?

A. Yes, I am willing to make a statement.

**[Statement of Bun Chew.]**

Alien, being first duly sworn, upon oath, testified as follows:

Q. What is your name?      A. Bun Chew.

Q. What is your married name?

A. Tom Dung Wah.

Q. How many children have you?

A. I only have one boy who died.

Q. How old was he?

A. He died about fourteen or fifteen years ago.

Q. Only a few months old?      A. Yes.

Q. Are you a person of Chinese descent?

A. Yes.

Q. Born in China?      A. Yes.

Q. When did you first come to the United States?

A. About the year K. S. 5 or 6.

Q. Have you a certificate of residence?

A. Yes. (Presents certificate of residence No. 39,167, issued in the name of Bun Chew, residing at Hanford, California, occupation, farm hand; height 5 ft. 6 in.; color of eyes, dark brown; complexion, dark; physical marks or peculiarities for identification, long face, large under jaw protruding, ears stand out. Same being dated February 17,

1894, and signed O. M. Welburn, Collector of Internal Revenue, First District of California.)

Q. When did you visit China since you received your certificate? [42]

EXHIBIT "B."

Bun Chew,

Mar. 20, 1914.

A. Since—once I make a visit about 14 or 15 years ago; but I don't remember what year it was. I went as a laborer; departed from the port of San Francisco, California; name of steamer unknown.

Q. What month of the year?

A. Latter part of the 12th month.

Q. Now, you are advised that I can find the record, if you are not telling me the truth?

A. Yes; I make a paper out at Hanford, California.

Q. Now then, you made another trip to China?

A. (In English.) Yes, sir.

Q. When was that?

A. That is the only trip I ever made.

Q. When did you return from China the first time after you received your certificate?

A. I stayed in China about 10 months and returned to the United States. I don't know what year it was, and I don't remember the steamer I returned on.

Q. When did you leave Hanford last?

A. About 4 or 5 years ago.

Q. What were you doing in Hanford?

A. Farmer; vegetable garden.

Q. What garden? A. Nom Sing garden.

Q. How far from Hanford?



A. Little over a mile west.

Q. Who owned that garden?

A. Nom Sing. Went from there to Visalia. [43]

Q. How long did you stay at Visalia?

A. Altogether about 7 years.

Q. You just told me you left Hanford about 5 years ago. How do you make that out?

A. Because I have been there before.

Q. What *were* you doing in Visalia?

A. Farming and dealing in fruit business.

Q. Who did you work for last in Visalia?

A. Worked in Quong Song garden.

Q. Where is it located?

A. About three miles from Visalia, southwest.

Q. Has that place a name?

A. Next to the Wing Song garden, about one mile away from the Quong Song garden. (Stenographer's note: The name of the place is Farmerville, a station on the S. P. railroad, between Visalia and Exeter.)

Q. Does the street car run through there?

A. Electric car near there.

Q. When did you leave there?

A. Since Chinese New Year.

Q. I want the date.

A. I left my job about Chinese New Year, but I visited there once in a while, and about 30 days ago I left there, and have never been back since.

Q. How long did you hold that job when you quit?

A. About two years and three months.

Q. Can you name any men who were on that garden when you left? [44]

EXHIBIT "B."

Bun Chew.

Mar. 20, 1914.

A. The boss was Haw Yo Way. Haw Yo Hun; and the hired men, Chuey Tong and Dong Bo. That is all there.

Q. When was your last Chinese New Year? What was the date? A. About February 5th.

Q. What firm did your garden deal with in Visalia? A. Quong Chung.

Q. What kind of a looking man was the manager?

A. Chen John, quite tall man, between 55 and 60 years old, grey hair, weight, about 160 pounds.

Q. Did you do business with him too? A. Yes.

Q. What is next door to this firm, on the east end?

A. I don't remember. On the other side is a gambling house. They had a woman in the Quong Chung store, wife of Chen John. It seems to me that the Quong Chung store faces to the north.

Q. When you left Visalia thirty days ago, where did you go?

A. I didn't get out of town 30 days ago. I stayed at the Tunk Shuck Gong store in Visalia.

Q. How long? A. About one month.

Q. When did you leave Visalia—how long ago?

A. About three weeks and two days ago.

Q. Where did you go?

A. Phoenix, Arizona.

Q. Did you go by train? A. Yes, sir.

Q. How did you go? Give me the route you took?

A. S. P. Co. to Los Angeles, to Phoenix.

Q. What time did you leave Visalia?

A. About 8 or 9 A. M. [45]

Q. What time did you get to Los Angeles?

A. 3 or 4 P. M. same day.

Q. Did you change cars at Los Angeles, or did you go right through?      A. Changed cars.

Q. How long did you wait in Los Angeles?

A. About half an hour.

Q. And you went straight through on a car to Phoenix?      A. Yes, sir.

Q. Did you change cars on the way from Los Angeles to Phoenix?      A. I don't know. No.

Q. Did you go in the smoking car or the sleeping car?      A. In the smoking car.

Q. How much did your ticket cost from Visalia to Phoenix?

A. I don't know, because the ticket from Visalia to Phoenix was purchased by my brother, Hom Sick Chew.

Q. What time did you arrive in Phoenix?

A. About 5 or 6 A. M.

Q. The next morning, or how many days after?

A. Next morning.

Q. When you got to Phoenix where did you go—who did you stop with?

A. I stopped at the Dock Hing restaurant, but I don't know the American name of that restaurant, at 2123 Adams St., Phoenix, Arizona?

Q. How many Chinese in that restaurant? [46]

EXHIBIT "B."

Bun Chew.

Mar. 20, 1914.

A. Four; I saw.

Q. Can you give their names?

A. Hung Chuck, Chan Sue Pong. These are the two bosses. One was a Jung man and the other was



a Chan man. I forget their names now.

Q. How long did you stay there?

A. I worked there for three days, washing dishes.

Q. Are there any street-cars in Phoenix?

A. Yes.

Q. Were they driven by horses, or trolleys?

A. Electric cars.

Q. Was there a street-car running right in front of this restaurant on Adams street?

A. Yes.

Q. Where did you go after you left the restaurant after working there three days?

A. Then I went to the Lung Gee vegetable garden, a little over one mile southwest. The manager is Lung Way.

Q. How long did you stay there?

A. I didn't stop there long. Sometime I stay there for a night, and then I went back to that Chinese restaurant, which I mentioned and stayed there over night.

Q. How many days altogether were you around the ranch after you left the restaurant?

A. About three weeks.

Q. Are you sure now it was three weeks you worked around the garden?

A. No; I meant I departed from Visalia to Phoenix and to Los Angeles, altogether for three weeks and three days.

Q. Now, then, where did you go from Phoenix?  
[47]

A. I left Phoenix on foot. My intention was to return to Visalia, California, and I walked from

Phoenix to Tucson, and one town past Tucson. Then I got on the car.

Q. How long did it take you to walk from Phoenix to Tucson?

A. I walked three days but once in a while I am tired, so I rest.

Q. Did you cross any river with any water in it?

A. No.

Q. Did you walk on the wagon-road, which the wagons take, or how?

A. I followed the wagon-road.

Q. Did you pass through any towns on your way from Phoenix?      A. No.

Q. You didn't walk on the railroad track then?

A. Yes; also on the railroad track, too.

Q. When you came to Tucson what did you do?

A. I went into the town at Tucson to buy some food—bread, etc.—and walked. I figured myself—I had only \$15 in my possession, and I figured the railroad fare from the place to Visalia. Then I go into the station to buy a ticket.

Q. Then you got in this car?

A. No; I entered that car next town from Tucson.

Q. This way or the other way?

A. This way—the Los Angeles way.

Q. Did you meet any Chinamen in Tucson?

A. Yes.

Q. Who?

A. I met a Chinaman on the street, but did not speak to him. [48]

EXHIBIT "B."

Bun Chew.

Mar. 20, 1914.

Q. Is it not true that you got into the car at

Tucson?      A. Yes, sir.

Q. You got into this freight car loaded with coke at Tucson?      A. Yes, sir.

Q. What time of the night was it when you got into the car?      A. Just dark.

Q. How did you get into the car?

A. I climbed up the side door, which was open. And after I got in some employees shut the door.

Q. Was the door open when you got in?

A. Yes; the door was open.

Q. And you climbed up, did you, on the coke?

A. Yes, I climbed up.

Q. Who gave you the water and grub you had in there?      A. None.

Q. Didn't you have any water or grub on the way?

A. I bought the grub and took some water with me.

Q. What did you have the water in?

A. I had a bottle to carry the water in?

Q. You must have known then, you were going to get into that car, if you were prepared with water and grub?

A. I had that outside. When I entered the car I had nothing—everything used up.

Q. When did you leave Benson or Fairbank?

A. I don't know such places.

Q. How long after you got in the car was it that the car door was shut and a seal put on?

A. I don't know when they locked it. If I knew he locked it [49] would have *hollered* to him to let me out.

Q. Didn't you hear them talking and working at the door when they locked it?



A. No; I didn't hear that, because I was so tired I laid there and took a rest.

Q. How big a town is Tucson?

A. Quite a large town, looks to me.

Q. Where did you sleep there in town before you got into the car? What store or ranch?

A. I didn't see any house. I had a pair of blankets and I laid down when I got tired.

Q. How long after you got into the car was it before the train started?

A. I don't know how long it was. When the man came to shut—lock that car, one of the other tracks had a car running. That is the reason I did not hear him.

Q. Were there any Chinese arrested at Visalia last July?

A. I don't know, but I understood they made investigations there, but who was arrested I don't know.

Q. Have you ever been a witness in any case where Chinese claimed nativity? A. No.

Q. Do you know any Chinese born in the United States?

A. Yes; I remember the children born to the manager of Lai Wah On, but I don't remember their names, the street or the date of their birth. [50]

EXHIBIT "B."

Bun Chew.

Mar. 20, 1914.

Q. Do you know any Chinese born in Visalia?

A. No.

Q. Do you know a Chinese in Visalia by the name of Tai Choy? A. It is a woman.

Q. Have you understood the interpreter?

A. Yes.

BUN CHEW.

(Chinese Characters.) [51]

[Statement of Beisaria Garcia.]

EXHIBIT "B."

DEPARTMENT OF COMMERCE AND LABOR.

Immigration Service.

In answering refer to

Received

No. ———

Apr. 1, 1914

Immigration Service

Tucson, Ariz.

March 28, 1914.

STATEMENT.

I, Beisaria Garcia, hereby affirm on honor that I am a citizen of Mexico and that I have been a resident of Agua Prieta, Sonora, Mexico, for fourteen years last past; that I am by occupation a Major in the Constitutionlists Army of Sonora, Mexico, and that I am well acquainted with the Chinese residents of Agua Prieta, Mexico. I positively identify the photograph, marked "Bun Chew" on the back thereof, which is now before me, as that of a Chinaman who was connected with the management of a Chinese restaurant in Agua Prieta, Mexico, for about two years and until about three years ago. He seemed to be a partner of a Chinaman known by the name of "El Perico" as they were very much together and I have often seen him and "El Perico" playing poker in the saloon of the late Ben Cooper in Agua Prieta, Mexico. I never knew the name of this Chinaman whose photograph is now before me

and whose name is given thereon as "Bun Chew." I used to see him frequently in the Chinese restaurant run by him and "El Perico" and I have also [52] frequently seen him and "El Perico" go back and forth between Agua Prieta and Naco, Sonora, Mexico, by wagon. At that time the Chinese used to go back and forth from Agua Prieta to Naco, Mexico, in hired wagons.

They now have a wagon of their own.

BELISARIO GARCIA.

Signature.

I hereby certify that the above statement was given before me at Douglas, Arizona, this 28th day of March, 1914.

FRANK W. HEATH,

Inspector in Charge.

I hereby certify that the above statement is a true translation as given in Spanish and translated therefrom, by me, into English.

FRANK L. DAYTON,

Interpreter and Stenographer. [53]

[Statement of Guillermo Breton.]

EXHIBIT "B."

DEPARTMENT OF COMMERCE AND LABOR.

Immigration Service.

Received

Apr. 1, 1914.

Immigration Service.

In answering refer to

Tucson, Ariz.

No. ———

March 30, 1914.

STATEMENT.

I, Guillermo Breton, hereby affirm on honor that



I am a citizen of Mexico; that I have resided in Douglas, Arizona, continuously during the past eighteen months; that previous to my residence in Douglas, Arizona, I lived at Nacozari, Sonora, Mexico, for about seven years; that I speak the English language fluently; that I have been in the employ of the Nacozari Railroad Company for the past eight years and I am now Cashier of that company; that I positively recognize the photograph now before me, which is marked "Bun Chew" on the back thereof, as being that of a former resident of Agua Prieta, Sonora, Mexico. Previous to my coming to Douglas, Arizona, to live, and during my residence at Nacozari, Mexico, I used to make frequent trips to Agua Prieta, Mexico, and at such times I would take my meals at a Chinese restaurant in Agua Prieta, I saw this Chinaman, whose photograph is marked "Bun Chew" a number of times at the Chinese restaurant in Agua Prieta, Mexico, when I used to eat my meals there. He seemed to be connected in a business was with the restaurant. To the best of my recollection, it has been about two years since I saw this Chinaman the last time.

G. BRETON.

Signature.

I HEREBY CERTIFY that the above statement was given before me at Douglas, Arizona, this 30th day of March, 1914.

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Inspector in Charge. [54]

## [Statement of Chun John.]

## EXHIBIT "B."

## DEPARTMENT OF LABOR.

## Immigration Service.

Fresno, California, March 25, 1914.

In re BUN CHEW, under investigation at Los Angeles, Cal.

Statement taken March 24, 1914, at the Quong Chung Store, Visalia, Cal. Time 10:30 A. M. Inspector, Meniffee. Interpreter, C. H. L. Seetoo.

Chun John, being sworn, testifies:

Q. What are your names?

A. Chun John, marriage name is Chun Dock Bing.

Q. When and where born?

A. 57 years of age, 5/15, in Luk Di Kong villiage, Nam Hoi, China.

Q. When did you first come to the U. S.?

A. K. S. 5 SS unknown, and have made three visits, 1st K. S. 12/3 SS "Australia," Eagle paper, returning K. S. 13/4 "Coptic." 2d, K. S. 13/8 "Oceanic" retng K. S. 14/4, Eagle paper. 3d, K. S. 30/10, "Manchuria," as a Merchant, Yee Wo Co, Visalia, Cal., returning K. S. 31/3, SS "Coptic." Was married K. S. 13 to Hoy She, in home village in China, and have two boys, Chun Gee Gom, born K. S. 15, Chun Gee Sum, born K. S. 32/2, in home villiage. Was registered as laborer, but my certificate was burned in this city in K. S. 26 (Presents Bureau letter No. 53,496/77, Aug. 16, 1913) and my application for duplicate was denied.

Q. Do you know a Chinese named Haw Yo Way?

A. Yes, he returned to China last year.

Q. Do you know a Chinese named Haw Yo Hun?

A. No. [55]

Q. Do you know Chusy Fong?

A. I think he is in Bakersfield.

Q. Do you know Dong Bo?

A. He is working on the Quon Wah Garden, 9 miles from here.

Q. Do you know Bun Chew? A. No.

Q. Do you know Tom (Hom) Dung Wah?

A. No.

Q. Do you know Hom Sick Chew?

A. Yes, he is a partner of Dong Bo, on the garden.

Q. Where is the Nom Song Garden?

A. Near Hanford.

Q. Where is the Wing Song Garden?

A. Closed two years ago?

Q. Where is the Quong Song Garden?

A. Near the Wing Song garden, about 5 miles from here, closed last year.

Q. Do you recognize this (Bun Chew) photograph?

A. (After long inspection, and some hesitation.)  
No. [56]

**[Statement of Dong Bow.]**

**EXHIBIT "B."**

In re BUN CHEW, Cont'd.

Statement taken at the Quong Wah garden, 9 miles east of Visalia, Cal. 2 P. M. March 24, 1914.

Witness, being sworn, testifies:

Q. What is your name?

A. Dong Bow, marriage name is Dong Yuen Chung.

Q. When and where born?



A. H. G. 8/7 in Sac Sing villiage, Nom Hoi Dist., China.

Q. What are your parents' names?

A. Father, Dong Hoy, Mother, Jung She, both dead. No brothers or sisters. I came to the U. S. K. S. 7/3, SS. "Belgic," to San Fran, made one visit, K. S. 27/11, SS. "Coptic," returning K. S. 28/8 SS. "Gaelic," Laborer. Married to Ow She, before came to the U. S. No children. Registered in Visalia, California, but don't know the No. and the certificate was destroyed in a fire on the Nom Sing garden, near Hanford, Cal., 6th month, year before last. (June, 1912.) I worked at that garden three years and left there soon after the fire, and came here to this garden for two years, then went to the Asparagus Cannery, near Sacramento and worked for four months, returning to this place about a month ago. I intended to get my trunk which was at the Nom Sing garden, in July but it burned in June, 1912. I never made application for duplicate certificate but will do so now.

Q. Where is the Quong Song garden?

A. Near Farmerville, Cal., it closed last year.

Q. Where is the Wing Song garden?

A. Same place, it closed year before last, I never worked there. [57]

Q. Do you know Haw Yo Way? A. No.

Q. Haw Yo Hun? A. No.

Q. Chuey Tong? A. No.

Q. Where is Hom Sick Chew?

A. Don't know such a man.

Q. Chun John told me he worked here. How

about it? A. Never heard of such a man.

Q. Do you know Tom (Hom) Dung Wah?

A. No.

Q. Do you know this photo? (Bun Chew's)

A. Yes, that is Tom Bun. Never heard him called Bun Chew. He worked at the Nom Sing garden, a few years ago and peddled vegetables in Hanford for many years. I have not seen him for two or three years.

Q. Did he work at the Nom Sing garden at the time of the fire?

A. No, Do Wye was the boss of the Nom Sing garden at the time. After the fire, about a month after, the house was rebuilt and Chan Ming, Lee Chew and Fung Ting were murdered at that garden.

Q. Did you ever see Tom Bun in Visalia?

A. No, but I did not go to town very often. Never heard of his being in Visalia. Think he stayed in Hanford all the time.

Q. Did Tom Bun have a brother?

A. I don't know.

Q. Do you know whether he lost his certificate in the fire on the garden?

A. I know nothing about that. [58]

**[Statement of Do Wye.]**

EXHIBIT "B."

In Re BUN CHEW, Cont'd.

Statement taken at the Nom Sing garden, 2 miles west of Hanford, Cal. 12:30 P. M., March 25, 1914.

Witness, being sworn, testifies:

Q. What are your names?

A. Do Wye, marriage name Do Dock Che.

Q. When and where born?

A. In Chow Chun villiage, Son Suey Dist., China, H. G. 2/12.

Q. What are your parents' names? (Refuses to give family history.)

Q. When did you first come to the U. S.

A. K. S. 14 SS. "Pekin." Visited China, K. S. 32/1, "Mongolia," returning K. S. 32/12, laborer. Registered in San Francisco, and had certificate 67401 and it was burned at this garden S. H. 3/6 (June, 1912). I am now under bond of \$2,500.00 being arrested here last July and taken to Los Angeles.

Q. Who else lost their certificate in that fire?

A. I don't know. Fung Tang, Chan Wing and Lee Jue were murdered at this garden the next year after the fire.

Q. Who worked at the garden at that time, of the fire?

A. The three men who were killed, myself, Quong Quo, who is out on the wagon now, and Fun Lin, now in China.

Q. Do you recognize this (Bun Chew's) photograph?

A. Yes, that is Tom Ben; he used to be in Hanford, but I have not seen him for a number of years. He was a partner on this garden.

Q. How long, how many years since you saw him?  
[59]

A. I forget.

Q. Was it two, five or ten years?

A. I think ten years.



Q. Where is he now?

A. I suppose he went to China. I don't know.

Q. Do you know Haw Yo Way?

A. Yes, but I haven't seen him for a long time; I think he is in China.

Q. Do you know Chuey Tong?

A. I have heard about him, but never saw him that I remember.

Q. Do you know Dong Bo?

A. He used to work here.

Q. Do you know Hom Sick Chew?

A. I have heard of him, but don't know where he is.

Q. Do you know whether Hom Sick Chew had a brother? A. No.

Q. Do you know whether or not Tom Ben had a brother? A. I don't know.

Q. How long did you know Tom Ben?

A. He lived here many years. I knew him a long time. He worked on gardens and peddled vegetables around Hanford.

Q. Did he ever live in Visalia?

A. I don't know. [60]

### **Return on Service of Writ.**

United States of America,

Sou. District of Cal.,—ss.

In the Matter of Application for a Writ of Habeas Corpus in Behalf of BUN CHEW.

I hereby certify and return that I served the annexed Writ on the therein-named Chas. T. Connell, Inspector in Charge U. S. Immigration Service L. A. by handing to and leaving a true and correct copy

thereof with Chas. T. Connell personally at Los Angeles in said District on the 13th day of April, A. D. 1915.

C. T. WALTON,  
U. S. Marshal.  
By D. S. Bassett,  
Deputy. [61]

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*In the District Court of the United States, in  
and for the Southern District of California,  
Southern Division.*

In the Matter of Application for a Writ of Habeas  
Corpus in Behalf of BUN CHEW.

**Writ [of Habeas Corpus].**

To CHARLES T. CONNELL, Inspector in Charge,  
United States Immigration Service, Los Angeles,  
California.

We command you that the body of Bun Chew, in your custody detained, as it is said, together with the day and cause of his detention, you safely have before Benjamin F. Bledsoe, Judge of our District Court of the United States, within and for the District aforesaid, *upon* forthwith, in the courtrooms in the Federal Building, Los Angeles, Los Angeles County, State of California, to do and receive all and singular those things which the said Benjamin F. Bledsoe, Judge of our said District Court, shall then and there consider of him in this behalf, and have you then and there this writ. [62]

WITNESS, the Hon. BENJAMIN F. BLEDSOE,  
Judge of the District Court of the United States for  
the Southern District of California, this 13th day

of April, 1915, with the seal of said court affixed, and of our Independence the one hundred and thirty-ninth.

[Seal]

WM. M. VAN DYKE,  
Clerk.

By Murray C. White,  
Deputy Clerk.

[Endorsed]: Marshal's Criminal Docket No. 6078. No. 962—Crim. In the District Court of the United States in and for the Southern District of California, Southern Division. In the matter of application for a Writ of Habeas Corpus in behalf of Bun Chew. Writ. Filed Apr. 13, 1915, at 6 min. past 3 o'clock P. M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. Frank Stewart, 709-10 International Bank Bldg, Temple and Spring Streets, Los Angeles, Cal. Office Phones: F-2222, Main 7777. Attorney for ———. [63]

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**[Bond to Appear.]**

United States of America,  
Southern District of California,—ss.

BE IT REMEMBERED, that on this 23d day of September, in the year of our Lord one thousand nine hundred and fourteen, before me, Charles N. Williams, a United States Commissioner, duly appointed by the District Court of the United States for the Southern District of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses in civil causes pending in the courts of the United States, pursuant to the acts of Congress in that behalf, personally appeared



Bun Chew, as principal and the Illinois Surety Company, a corporation, as sureties, and jointly and severally acknowledged themselves to be indebted to the United States of America in the sum of two thousand five hundred (\$2,500.00) dollars, separately to be levied and made out of their respective goods and chattels, lands and tenements to the use of the said United States.

The condition of the above recognizance is such that, Whereas, the said District Court of the United States having on the 23d day of September, A. D. 1914, granted a writ of habeas corpus unto the said Bun Chew, then and there in the custody of Charles T. Connell, Inspector in Charge of the United States Immigration Service, which said Writ of Habeas Corpus was made returnable before the said District Court on the 25th day of September, 1914, and the Honorable Olin Wellborn, United States District Judge, having made an Order that pending the hearing and final determination of said writ of habeas corpus, the said Bun Chew be admitted to bail in the sum of \$2,500.00,

And Whereas, the said Bun Chew has been required to give recognizance with sureties in the sum of \$2,500.00 for his appearance before the said District court of the United States [64] upon the final decision by said Court upon the said writ of habeas corpus;

NOW, THEREFORE, if the said Bun Chew shall personally appear at the District Court of the United States, for the Southern District of California, to be holden at the court of said Court in the City of Los

Angeles, on the 25th day of September, 1914, and on such day as may be set by the Court for its final decision upon the said writ of habeas corpus, and afterwards whenever or wherever he may be required to appear by order of said District Court and render himself amenable to any and all lawful orders and process in the premises, and not depart the said court without leave first obtained, and if the said writ of habeas corpus be discharged and the said Bun Chew remanded to the custody of the said Charles T. Connell, shall appear for judgment and render himself in accordance with the order of the said District Court, then this recognizance shall be void, otherwise to remain in full effect and virtue.

BUN CHEW. [Seal]

ILLINOIS SURETY CO.,

By F. IRWIN HERRON. [Seal]

Acknowledged before me the day and year first above written.

[Seal]

CHAS. N. WILLIAMS,

United States Commissioner, Southern District of California.

The form of the foregoing bond and the sufficiency of the sureties thereto is hereby approved.

CHAS. N. WILLIAMS,

U. S. Commissioner. [65]

[Endorsed]: No. 853-Crim. U. S. District Co., Southern District of California. In re Application of Bun Chew for writ of habeas corpus. Bond to Appear. Filed Sep. 23, 1914. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk [66]

*In the District Court of the United States, in and for the Southern District of California, Southern Division.*

No. 962—CRIMINAL.

**Return.**

To the Honorable BENJAMIN F. BLEDSOE,  
Judge of the District Court of the United States,  
in and for the Southern District of California,  
Southern Division.

Sir: In obedience to the writ of habeas corpus issued out of your Honorable Court on the 13th day of April, 1915, in the above-entitled matter, directing Charles T. Connell, Inspector in Charge of the Immigration Service at Los Angeles, California, to have the body of Bun Chew before you with the day and cause of detention on the 13 day of May, 1915, at 9:00 A. M. I, Charles T. Connell, said Inspector in Charge of the Immigration Service at Los Angeles, California, hereby make return as follows:

I.

That I am now, and was at all times in the petition filed herein, and upon which said writ is based, the duly appointed, qualified and acting Inspector in Charge of the Immigration Service, Department of Labor of the United States of America, at Los Angeles, California, and in District No. 23 of the United States Immigration Service, and under the jurisdiction of the Supervising Inspector of said Immigration [67] District, whose headquarters are at El Paso, Texas; that at the time the writ of habeas corpus in the above-entitled matter was served upon



your respondent, the said Bun Chew was in the custody of your respondent in his official capacity as Inspector in Charge of the Immigration Service of said United States.

## II.

That said petitioner is a native of China, and entered the United States at or near Douglas, Arizona, on or about the 1st day of January, 1912.

## III.

That said petitioner was arrested on a telegraphic warrant of the Secretary of Labor of the United States, dated May 22, 1914, on the charge of being unlawfully within the United States, in that he entered without inspection. That said warrant of arrest commanded F. W. Berkshire, Supervising Inspector at El Paso, Texas, or any Immigrant Inspector in the service of the United States, to arrest the said Bun Chew and bring him before said Inspector for hearing; that the said Bun Chew was duly and regularly taken into custody under and by virtue of said warrant, and thereafter, to wit, on the 22d day of May, 1914, and subsequent days to which said hearing was continued, proceedings were duly and regularly had in the City of Los Angeles, State of California, as required and directed by said warrant by granting said Bun Chew a hearing to enable him, the said Bun Chew, to show cause why he, the said Bun Chew, should not be deported in conformity with law; that at the hearing the said Bun Chew was allowed to inspect the said warrant of arrest and all the evidence upon which it was issued, and was advised of his right to be [68] represented by

counsel, and was, in fact, represented by counsel, to wit, by Frank Stewart, Esquire, and witnesses were produced in behalf of said petitioner and a full opportunity given to show cause why he should not be deported according to law; that a full record of all the proceedings relating to the said charges against the said Bun Chew was made and transmitted in accordance with law to the Secretary of Labor at Washington, D. C., and that thereafter, to wit, on the 26th day of March, 1915, after a full consideration of all the evidence and matters relating to said cause, the said Department of Labor, acting by and through J. B. Densmore, Acting Secretary of Labor, made and issued a warrant for the deportation of the said Bun Chew, a copy of which said warrant, marked exhibit "A," is hereunto attached and made a part of this return, which said warrant was transmitted to the Supervising Inspector of said District No. 23, with instructions to cause said Bun Chew to be taken into custody and to be conveyed by water to San Francisco, California, for deportation, a copy of said letter of instructions being hereto attached and marked exhibit "B," and is hereby referred to and made a part of this return, a copy of which said letter of instructions and said warrant of deportation were forwarded to your respondent by said Supervising Inspector of District No. 23, a copy of the letter transmitting said warrant of deportation being hereto attached and marked exhibit "C" and is hereby referred to and made a part of this return. And your respondent states that at the time of the issuance and service of said writ of [69] habeas cor-

pus upon him, he held the said Bun Chew in custody pursuant to said warrant of deportation, and letters of instruction, for the purpose of executing the command of said warrant.

#### IV.

Respondent denies that the Secretary of Labor of the United States had no jurisdiction over the person of said Bun Chew, and had no jurisdiction or authority to issue said warrant; denies that said Secretary of Labor exceeded his jurisdiction and authority in and by issuing said warrant of deportation; denies that said warrant is invalid; denies that said petitioner was not given a fair and impartial trial and hearing by the Immigration officers of the United States precedent to the issuing of said warrant of deportation, and alleges the fact to be that said warrant was issued upon evidence produced at a hearing on which the said Bun Chew was given full, complete and fair opportunity to produce in his behalf all the evidence he desired, and that said hearing was in all respects conducted fairly and in good faith and with a view to giving the said Bun Chew every chance to establish his right to remain in the United States, and that the officer conducting the same acted fully and fairly and impartially and in strict compliance with the provisions of Rule 22 of the Immigration Rules of 1911 in regard thereto; denies that the said Bun Chew was ordered deported to China contrary to law, there being no evidence that the said petitioner Bun Chew came from China on the occasion of his last entry into the United States, but on the other hand alleges that said warrant ordering said Bun



Chew deported to China [70] is in accordance with Section 2 of the Act of May 5, 1892.

## V.

That respondent does not at this time bring before this Court the body of the said Bun Chew for the reason that respondent at request of Frank Stewart, Esquire, attorney for said petitioner, brought the body of the said petitioner before your Honor in open court on the 23d day of September, 1914, in Criminal proceeding No. 853, pending before said Court, at which time and on motion of said attorney, said petitioner was admitted to bail in the sum of \$2,500.00, which bail was furnished the same day and petitioner was released and is now at liberty on said bond, and this return is made to advise your Honor of the cause and reason for said detention and to do and receive what shall be herein considered concerning the said Bun Chew.

CHAS. T. CONNELL,  
Inspector in Charge.

Subscribed and sworn to before me this 12th day of May, A. D. 1915, at Los Angeles, Cal.

[Seal] WM. M. VAN DYKE,  
Clerk U. S. District Court, Southern District of California.

By R. S. Zimmerman,  
Deputy. [71]

EXHIBIT "A."

WARRANT—DEPORTATION OF ALIEN.

UNITED STATES OF AMERICA.

U. S. DEPARTMENT OF LABOR,

WASHINGTON.

El Paso No. 5025/549.

INC. 9644.

No. 53780/74.

To Samuel W. Backus, Commissioner of Immigration, Angel Island Station, San Francisco, California.

WHEREAS, from proofs submitted to me, after due hearing before Immigrant Inspector W. A. Brazie, held at Los Angeles, Cal., I have become satisfied that the alien,

BUN CHEW,

who landed near the port of Douglas, Arizona, on or about the 1st day of April, 1912, is subject to be returned to the country whence he came under section 21 of the immigration act approved February 20, 1907, being subject to deportation under the provisions of a law of the United States, to wit, The Chinese-exclusion laws, in that:

He entered the United States in violation of section 7, Chinese-exclusion act of September 13, 1888, and rule 1, Chinese rules,

And, WHEREAS, from proofs submitted to me, after due hearing before Immigrant Inspector W. A. Brazie, held at Los Angeles, Cal., I have become satisfied that the said alien has been found in the United States in violation of the act of Congress approved February 20, 1907, amended by the act ap-

proved March 26, 1910, in that:

He entered in violation of section 36 of said act.

(Rule 13) [72]

I, W. B. WILSON, Secretary of Labor, by virtue of the power and authority vested in me by the laws of the United States, do hereby command you to return the said alien to China,—the country whence he came, at the expense of the appropriation “Expenses of Regulating Immigration, 1915.” You are directed to purchase steerage transportation for the alien from San Francisco, Cal., to his home in China, via sailing of the Pacific Mail Steamship Company, payable from the above-named appropriation.

For so doing, this shall be your sufficient warrant.

Witness my hand and seal this 26th day of March, 1915.

W. B. WILSON,  
Secretary of Labor.

EFH. [73]

EXHIBIT “B.”

DIRECTION FOR DELIVERY OF ALIEN FOR  
DEPORTATION.

U. S. DEPARTMENT OF LABOR,  
Bureau of Immigration.  
Washington.

In answering refer to

No. 53780/74.

March 26, 1915.

Supervising Inspector,  
Immigration Service,  
El Paso, Texas.

Sir:

The Bureau acknowledges the receipt of your let-



ter of March 12th, #5025/549, transmitting record of hearing accorded the alien

BUN CHEW,

who entered near the port of Douglas, Arizona, on or about April 1st, 1912.

After a careful examination of the evidence submitted in this case, the Department is of opinion that the alien is in the United States in violation of law. You are therefore directed to cause him to be taken into custody and conveyed to San Francisco, Cal., via water route, for deportation; the expenses incident to such conveyance, including the employment of an attendant to assist in delivery, if necessary at a nominal compensation of \$1.00 and expenses both ways, being authorized, payable from the appropriation "Expenses of Regulating Immigration, 1915."

Respectfully,

(Signed) A. CAMINETTI,  
Commissioner-General. [74]

Approved:

(Sgd.) W. B. WILSON,  
Secretary.

Inclose W. D. No. 9644. (Copies—MWB.) [75]

## EXHIBIT "C."

U. S. DEPARTMENT OF LABOR,

Immigration Service.

Office of Supervising Inspector.

El Paso, Texas.

In answering refer to  
No. 5025/549.

March 30, 1915.

Inspector in Charge,  
Immigration Service,  
Los Angeles, California.

Referring to your file No. 5528/450, there are forwarded herewith original warrant No. 53780/74, dated March 26, 1915, directing the deportation of Bun Chew to China, and copies of Department letter of the same number and date directing his conveyance by water route to San Francisco for that purpose.

F. W. BERKSHIRE,  
Supervising Inspector.

Inc. No. 2050.

[Endorsed]: No. 962-Crim. In the District Court of the United States for the South. Dist. of California, Southern Division. In the Matter of the Application of Bun Chew, for a Writ of Habeas Corpus. Return of Writ of Habeas Corpus. Filed May 13, 1915. Wm. M. Van Dyke, Clerk. By T. F. Green, Deputy. [76]

At a stated term, to wit, the January term, A. D. 1915, of the District Court of the United States of America, in and for the Southern District of California, Southern Division, held at the courtroom thereof, in the city of Los Angeles, on Monday, the seventh day of June, in the year of our Lord one thousand nine hundred and fifteen. Present: The Honorable BENJAMIN F. BLEDSOE, District Judge.

**[Order Denying Writ of Habeas Corpus, etc.]**

No. 962—Crim. S. D.

In the Matter of the Petition of BUN CHEW for a Writ of Habeas Corpus.

This cause having heretofore been submitted to the Court for its consideration and decision, the Court, having duly considered the same and being fully advised in the premises, now renders its oral opinion; and it is ordered that the writ of habeas corpus herein be, and the same hereby is, denied, and it is further ordered that the petitioner Bun Chew be remanded to the custody of the Inspector in charge, U. S. Immigration Service. [77]

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*In the District Court of the United States, in and for the Southern District of California, Southern Division.*

No. 962—CRIMINAL.

In the Matter of the Application of BUN CHEW for a Writ of Habeas Corpus.



**Stipulation and Order [Staying Execution for 30 Days].**

It is hereby stipulated that execution in the above-entitled matter may be stayed for thirty days from and after this 21st day of June, 1915, for the purpose of allowing petitioner time in which to prepare, serve and file his petition for appeal, assignment of errors and bill of exceptions in said matter.

CLYDE R. MOODY,  
Assistant United States Attorney.  
FRANK STEWART,  
Attorney for Petitioner.

On reading and filing the above stipulation, it is hereby ordered that execution be stayed for thirty days from date, for the purposes stated in said stipulation.

Los Angeles, Cal., June 21, 1915.

BLED SOE, JU.  
Judge of said Court.

[Endorsed]. No. 962—Criminal. In the District Court of the United States in and for the Southern District of California, Southern Division. In the Matter of the Application of Bun Chew for a Writ of Habeas Corpus. Stipulation and Order. Filed Jun. 21, 1915, at 15 min. past 10 o'clock A. M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. [78] Frank Stewart, 709-10 International Bank Bldg., Temple and Spring Streets, Los Angeles, Cal. Office phones, F-2222, Main 7777, Attorney for Petitioner. [79]

*In the District Court of the United States, in and for the Southern District of California, Southern Division.*

ORIGINAL.

In the Matter of Application for a Writ of Habeas Corpus in Behalf of BUN CHEW.

**Petition for Order Allowing Appeal to the Circuit Court of Appeals.**

The said Bun Chew, feeling himself aggrieved by the order and judgment entered on June 7th, 1915, in the above-entitled proceeding, by his attorney, Frank Stewart, does hereby appeal from said order to the Circuit Court of Appeals for the Ninth Circuit, and further prays that his appeal may be allowed and a transcript of the record and proceedings and papers, upon which said order was made, duly authenticated, may be sent to the said Circuit Court of Appeals for the Ninth Circuit of the United States of America.

FRANK STEWART,  
Attorney for Petitioner.

[Endorsed]: No. 962—Crim. In the U. S. District Court, Southern District of California, Southern Division. In the Matter of Application for a Writ of Habeas Corpus in Behalf of Bun Chew. Petition for Order Allowing Appeal to the Circuit Court of Appeals. Received copy of the within Petition this 21 day of July, 1915. Clyde R. Moody, Attorney for —————, Asst. U. S. Atty. Filed Jul. 21, 1915. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Frank Stewart, 709—

10 International Bank Bldg., Temple and Spring Streets Los Angeles, Cal., Office Phones, F-2222, Main 7777, Attorney for Petitioner. [80]

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*In the District Court of the United States, in and for the Southern District of California, Southern Division.*

ORIGINAL.

In the Matter of Application for a Writ of Habeas Corpus in Behalf of BUN CHEW.

**Assignment of Errors.**

Now comes Bun Chew, the petitioner herein, by his attorney Frank Stewart, and says that there is manifest error in the record and proceedings herein in this:

1. That the Court erred in holding that the Secretary of Labor of the United States had jurisdiction over the person of the said petitioner.

2. That the Court erred in holding that the said Secretary of Labor had jurisdiction or authority to issue the warrant of deportation against said petitioner.

3. That the Court erred in holding that the said Secretary of Labor did not exceed his jurisdiction or authority in and by issuing said warrant of deportation.

4. That the Court erred in holding that said petitioner was given a fair and impartial trial and hearing by the Immigration officers of the United States, precedent to the issuance of said warrant.

5. That the Court erred in holding that the evidence taken at said trial and hearing was sufficient



to authorize the issuance of said warrant of deportation.

6. That the Court erred in holding that said warrant was not void and invalid.

7. That the Court erred in holding that said petitioner was [81] not lawfully within the United States.

8. That the Court erred in holding that said petitioner was not entitled to the certificate of residence mentioned in his petition.

9. That the Court erred in holding that petitioner should not be deported, if at all, to Mexico.

10. That the Court erred in holding that petitioner should be deported to China.

11. That the Court erred in holding that petitioner should be deported to China instead of Mexico.

12. That the Court erred in holding that there was any evidence before the Immigration officials and the Secretary of Labor of the United States to legally warrant or support the order of deportation herein issued against petitioner.

FRANK STEWART,  
Attorney for Petitioner.

[Endorsed]: No. 962—Crim. In the U. S. District Court, Southern District of California, Southern Division. In the Matter of Application for a Writ of Habeas Corpus in Behalf of Bun Chew. Assignment of Errors. Filed Jul. 21, 1915. Wm. M. Van Dyke, Clerk. By Chas. N. Williams, Deputy Clerk. Received copy of the within Assignment of Errors, this 21 day of July, 1915. Clyde R. Moody, Attorney for Asst. U. S. Atty. Frank Stewart,

709-10 International Bank Bldg., Temple and Spring Streets, Los Angeles, Cal., Office Phones, F-2222, Main 7777, Attorney for Petitioner. [82]

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*In the District Court of the United States, in and for the Southern District of California, Southern Division.*

ORIGINAL.

In the Matter of Application for a Writ of Habeas Corpus in Behalf of BUN CHEW.

**Order Allowing Petition for Appeal.**

On this 21st day of July, 1915, came Bun Chew, by his attorney Frank Sewart, and, having personally filed the same herein did present to this Court his petition for the allowance of an appeal to the United States Circuit Court of Appeals for the Ninth Circuit, intended to be urged and presented by him, and praying also that a transcript of the record of the proceedings and papers, upon which the judgment herein was rendered, duly authenticated, may be sent and transmitted to the United States Circuit Court of Appeals for the Ninth Circuit, and that such other and further proceedings may be had in the premises as may seem proper;

NOW, THEREFORE, in consideration thereof, this Court hereby allows the appeal prayed for and orders execution stayed, pending the hearing of said case in said United States Circuit Court of Appeals; and it is further ordered that said Bun Chew may remain at large upon the bond previously given before this Court in this matter, during the pendency of the appeal taken herein from said judgment, provided

said appeal be docketed in the said Circuit Court of Appeals within thirty days from the date hereof and that the said Bun Chew do not depart from the jurisdiction of this Court, but remain and [83] abide by whatever judgment shall finally be entered herein.

Dated July 21, 1915.

BLEDSON, JU.,  
Judge.

Due service of the within order allowing appeal and receipt of a copy thereof is hereby admitted this 21 day of July, 1915.

ALBERT SCHOONOVER,  
United States District Attorney.  
By CLYDE R. MOODY,  
Asst. U. S. Attorney.

[Endorsed]: No. 962—Crim. In the U. S. District Court, Southern District of California, Southern Division. In the Matter of Application for a Writ of Habeas Corpus in Behalf of Bun Chew. Order Allowing Petition for Appeal. Filed Jul. 21, 1915. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. Frank Stewart, 709-10 International Bank Bldg., Temple and Spring Streets, Los Angeles, Cal., Office Phones, F-2222, Main 7777, Attorney for Petitioner. [84]

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*In the District Court of the United States, in and  
for the Southern District of California, Southern  
Division.*

ORIGINAL.

In the Matter of Application for a Writ of Habeas  
Corpus in Behalf of BUN CHEW.



**Appeal Bond for Costs.**

KNOW ALL MEN BY THESE PRESENTS:  
That we, Bun Chew, as principal, and Nathan Landsberg, Marcus Landsberg as surety, are hereby firmly bound unto the United States of America in the full and just sum of \$500.00, to be paid to the said United States, for which paymnet well and truly to be made we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, by these presents.

Sealed with our seals and dated this 21 day of July, 1915.

The condition of the above-entitled bond is such: That whereas the District Court of the United States in and for the Southern District of California, in the above-entitled case on the 7th day of June, 1915, entered an order and decree dismissing said writ of habeas corpus, and the above-named party, as such petitioner, having obtained from said Court an order allowing an appeal from said order and decree to the Circuit Court of Appeals of the United States in and for the Ninth Circuit;

NOW, THEREFORE, if the said Bun Chew shall prosecute said appeal to effect and answer all damages and costs, if he fail to make good his appeal, then the above obligation to be [85] void, otherwise to remain in full force and effect.

(Chinese Characters.)

BUN CHEW.

NATHAN LANDSBERG.

MARCUS LANDSBERG.

The foregoing bond is hereby approved as a cost bond on appeal this 21 day of July, 1915.

BLEDSON, JU.,  
Judge.

State of California,  
County of Los Angeles,—ss.

Nathan Landsberg and Marcus Landsberg, being first duly sworn, upon their oaths depose and say: That they are the sureties named in the foregoing bond, and that they and each of them are residents and freeholders in the Southern District of the State of California, and are worth the amount specified in said bond over and above all just debts and liabilities, exclusive of property exempt from execution.

NATHAN LANDSBERG.  
MARCUS LANDSBERG.

Subscribed and sworn to before me this 21 day of July, 1915.

[Seal] M. M. DONNELLY,  
Notary Public in and for the County of Los Angeles,  
State of California.

[Endorsed]: No. 962—Crim. In the U. S. District Court, Southern District of California, Southern Division. In the [86] Matter of Application of Bun Chew for a Writ of Habeas Corpus Appeal Bond For Costs. Filed Jul. 21, 1915. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy. Frank Stewart, 709-10 International Bank Bldg., Temple and Spring Streets, Los Angeles, Cal., Office Phones, F-2222, Main 7777, Attorney for Petitioner. [87]

*In the District Court of the United States, in and for the Southern District of California, Southern Division.*

ORIGINAL.

In the Matter of Application for a Writ of Habeas Corpus in Behalf of BUN CHEW.

**Praeceptum for Preparation of Transcript.**

To the Clerk of said Court:

Please make up a transcript on appeal, duly authenticated, in the above-entitled matter to be composed of the following papers:

1. Affidavit and Petition for Writ of Habeas Corpus, with Exhibits "A," "B," "C," and "D" filed in connection therewith and referred to therein (said exhibit "B" being pages 4 to 28, inclusive, of the "Affidavit and Petition" in case No. 853—Criminal, of said Court).

2. Writ of Habeas Corpus.

3. Return and Exhibits therein mentioned.

4. Decision of the Court.

5. Assignment of Errors.

6. Citation issued in the case.

FRANK STEWART,

Attorney for Petitioner and Appellant.

[Endorsed]: Original. No. 962—Crim. In the U. S. District Court, Southern District of California, Southern Division. In the Matter of Application for a Writ of Habeas Corpus in Behalf of Bun Chew. Praeceptum for Preparation of Transcript. Filed Jul. 21, 1915, at — min. past — o'clock — M. Wm. M. Van Dyke, Clerk. Murray C. White, Deputy.



Frank Stewart, 709-10 International Bank Bldg.,  
Temple and Spring Streets, Los Angeles, Cal., Office  
Phones, F-2222, Main 7777, Attorney for Petitioner.  
[88]

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**[Certificate of Clerk U. S. District Court to  
Transcript of Record.]**

*In the District Court of the United States, in and  
for the Southern District of California, Southern  
Division.*

No. 962—CRIM.

In the Matter of the Application of BUN CHEW for  
a Writ of Habeas Corpus.

I, Wm. M. Van Dyke, clerk of the District Court of  
the United States of America, in and for the South-  
ern District of California, do hereby certify the fore-  
going eighty-eight (88) typewritten pages, numbered  
from 1 to 88, inclusive, and comprised in one (1) vol-  
ume, to be a full, true and correct copy of the Affidavit  
and Petition for Writ of Habeas Corpus, exhibits  
“A,” “C” and “D,” attached to said Affidavit and  
Petition, Stipulation and Order in reincorporation  
herein of portion of papers in case No. 853—Criminal,  
S. D., Writ of Habeas Corpus, Return to Writ and  
attached exhibits, Order Dismissing Writ and Re-  
manding Petitioner, Stipulation and Order Staying  
Execution of Judgment, Petition for Order Allowing  
Appeal, Assignment of Errors, Order Allowing Ap-  
peal, Bond on Appeal and Praeceptum for Transcript in  
the above and therein entitled matter, also, of ex-  
hibit “B,” attached to the Affidavit and Petition of

Bun Chew, the Petitioner herein, in case No. 853—Criminal, S. D., and of the Bond for Appearance, given by petitioner herein and filed in said case No. 853—Criminal, S. D., and that the same together constitute the record in this matter, as specified in the aforesaid Praecipe for Transcript filed on behalf of the petitioner and appellant, by his attorney of record. [89]

I do further certify that the cost of the foregoing record is \$38.35, the amount whereof has been paid me by Bun Chew, the petitioner and appellant.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the District Court of the United States, in and for the Southern District of California, Southern Division, this 10th day of September, in the year of our Lord, one thousand nine hundred and fifteen, and of our Independence, the one hundred and fortieth.

WM. M. VAN DYKE,

Clerk of the District Court of the United States of America, in and for the Southern District of California.

By Leslie S. Colyer,  
Deputy Clerk.

[Ten Cent Internal Revenue Stamp. Canceled  
9/10/15. L. S. C.] [90]

**[Order Enlarging Appellant's Time to and Including Oct. 1, 1915, to Docket Cause and File Record.]**

*In the United States Circuit Court of Appeals, Ninth  
Judicial Circuit.*

In the Matter of the Application of BUN CHEW for  
a Writ of Habeas Corpus.

Good cause appearing therefor, it is hereby ordered, that the time heretofore allowed said appellant to docket said cause and file the record thereof, with the clerk of the United States Circuit Court of Appeals for the Ninth Circuit be, and the same hereby is enlarged and extended to and including the 1st day of October, 1915.

Dated at Los Angeles, this 4th day of August, 1915.

BLEDSON, J.,  
Judge.

Agreed.

C. R. MOODY,  
Asst. U. S. Attorney.

[Endorsed]: No. 2661. United States Circuit Court of Appeals for the Ninth Circuit. In the Matter of the Application of Bun Chew for a Writ of Habeas Corpus. Order Extending Time to File Record. Filed Sep. 7, 1915. F. D. Monckton, Clerk. Refiled Sep. 23, 1915. F. D. Monckton, Clerk.



[Endorsed]: United States Circuit Court of Appeals for the Ninth Circuit. Bun Chew, Appellant, vs. Charles T. Connell, as Immigration Inspector in Charge, Appellee. Transcript of Record. Upon Appeal from the United States District Court for the Southern District of California, Southern Division.

Filed September 23, 1915.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Appeals  
for the Ninth Circuit.

By Meredith Sawyer,  
Deputy Clerk.